

D+F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

-against-

DAWN MUSOROFITI,

Defendant,

and

GERALDINE MUSOROFITI,

Relief Defendant.

X

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

X

05-CV-3917 (ARR) (JO)

NOT FOR
PRINT OR ELECTRONIC
PUBLICATION

ORDER

ROSS, United States District Judge:

I have received the Report and Recommendation on the instant case dated June 25, 2007 from the Honorable Joan M. Azrack, United States Magistrate Judge, regarding a motion to vacate the entry of default filed by defendant Dawn Musorofiti and relief defendant Geraldine Musorofiti (collectively, "defendants") on November 22, 2006. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at *6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. 05 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at *1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. On the contrary,

the Report and Recommendation is well-reasoned and persuasive. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Consequently, defendants' motion to vacate the entry of default is granted and defendants' answer is deemed timely filed. Defendants are warned that any further delays on their part will not be looked upon favorably. It is further ordered that the parties report to Magistrate Judge Azrack to proceed with discovery.

SO ORDERED.

s/ Judge Allyne R. Ross

Allyne R. Ross
United States District Judge

Dated: July 17, 2007
Brooklyn, New York

SERVICE LIST:

Counsel for Plaintiff

Stephen J Obie
Commodity Futures Trading Commission
Eastern Regional Office
140 Broadway, 19th Floor
New York, NY 10005

Counsel for Defendants

Mark B. Watson
Robert H. Jaffe & Associates, PA
Eight Mountain Avenue
Springfield, NJ 07081

cc: Magistrate Judge Joan M. Azrack